

AMENDMENTS TO LB 1071

Introduced by Education.

1 1. Strike original sections 15, 16, and 17 and insert the
2 following new sections:

3 Sec. 4. Section 79-4,108, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-4,108 (1) Unified system means two or more Class II or
6 III school districts participating in an interlocal agreement
7 under the Interlocal Cooperation Act with approval from the
8 State Committee for the Reorganization of School Districts. The
9 interlocal agreement may include Class I districts if the entire
10 valuation is included in the unified system. The interlocal
11 agreement shall provide for a minimum term of three school
12 years. The agreement shall provide that all property tax and
13 state aid resources shall be shared by the unified system and
14 that a board composed of school board members, with at least
15 one school board member from each district, shall determine
16 the general fund levy, within the limitations placed on school
17 districts and multiple-district school systems pursuant to section
18 77-3442, to be applied in all participating districts and shall
19 determine the distribution of property tax and state aid resources
20 within the unified system. For purposes of section 77-3442, the
21 multiple-district school system shall include all of the Class I,
22 II, and III districts participating in the unified system and the
23 Class I districts or portions thereof affiliated with any of the

1 participating Class II and III districts. The interlocal agreement
2 shall also provide that certificated staff will be employees
3 of the unified system. For any certificated staff employed by
4 the unified system, tenure and seniority as of the effective
5 date of the interlocal agreement shall be transferred to the
6 unified system and tenure and seniority provisions shall continue
7 in the unified system except as provided in sections 79-850 to
8 79-858. If a district withdraws from the unified system or if
9 the interlocal agreement expires and is not renewed, certificated
10 staff employed by a participating district immediately prior to
11 the unification shall be reemployed by the original district and
12 tenure and seniority as of the effective date of the withdrawal
13 or expiration shall be transferred to the original district. The
14 certificated staff hired by the unified system but not employed
15 by a participating district immediately prior to the unification
16 shall be subject to the reduction-in-force policy of the unified
17 system. The interlocal agreement shall also require participating
18 districts to pay obligations of the unified system pursuant to
19 sections 79-850 to 79-858 on a pro rata basis based on the adjusted
20 valuations if a district withdraws from the unified system or if
21 the interlocal agreement expires and is not renewed. Additional
22 provisions in the interlocal agreement shall be determined by the
23 participating districts and shall encourage cooperation within the
24 unified system.

25 (2) Application for unification shall be made to the
26 state committee. The application shall contain a copy of the
27 interlocal agreement signed by the president of each participating

1 school board. The state committee shall approve or disapprove
2 applications for unification within forty days after receipt
3 of the application. If the interlocal agreement complies with
4 subsection (1) of this section and all school boards of the
5 participating districts have approved the interlocal agreement,
6 the state committee shall approve the application. Unification
7 agreements shall be effective on June 1 following approval from
8 the state committee for status as a unified system or on the date
9 specified in the interlocal agreement, except that the date shall
10 be on or after June 1 and on or before September 1 for a specified
11 year. The board established in the interlocal agreement may begin
12 meeting any time after the application has been approved by the
13 state committee.

14 (3) Upon granting the application for unification,
15 the State Department of Education shall recognize the unified
16 system as a single Class II or III district for state aid,
17 budgeting, accreditation, enrollment of students, state programs,
18 and reporting. ~~7~~ except that the department shall require
19 such reporting on an individual district basis as necessary to
20 calculate formula need pursuant to the Tax Equity and Educational
21 Opportunities Support Act separately for each participating
22 district beginning with the calculation of state aid for
23 school fiscal year ~~2009-10~~. Except as otherwise required by
24 the department, the unified system shall submit a single report
25 document for each of the reports required of school districts
26 pursuant to Chapter 79 and shall submit a single budget document
27 pursuant to the Nebraska Budget Act and sections 13-518 to 13-522.

1 The class of district shall be the same as the majority of
2 participating districts, excluding Class I districts. If there are
3 an equal number of Class II and Class III districts in the unified
4 system, the unified system shall be recognized by the department as
5 a Class III district.

6 (4) The school districts participating in a unified
7 system shall retain their separate identities for all purposes
8 except those specified in this section, and participation in a
9 unified system shall not be considered a reorganization.

10 (5) The withdrawal of a participating school district
11 from a unified system or dissolution of a unified system shall
12 occur only if each participating school district in such unified
13 system either will be merged with at least one other school
14 district or will continue participation in such unified system
15 with at least one other participating school district following
16 such withdrawal or dissolution. The withdrawal of a participating
17 school district from a unified system or dissolution of a unified
18 system shall be accomplished and the rights and liabilities of
19 the participating school districts determined through an action for
20 declaratory judgment pursuant to the Uniform Declaratory Judgments
21 Act. An action under the act praying for the withdrawal of a
22 participating school district, dissolution of the unified system,
23 or a declaration of the rights and liabilities of the participating
24 school districts may be brought by the school board of any
25 participating school district. The court shall have jurisdiction
26 to determine all matters relating to the rights and liabilities
27 of the participating school districts, including, but not limited

1 to, the allocation among the participating school districts of
2 (a) the certificated staff employed by the unified system among
3 the participating school districts, (b) the real and personal
4 property acquired by and held in the name of the unified system,
5 (c) the local, state, and federal revenue of the unified system,
6 including state aid to be paid to the unified system for the year
7 following the withdrawal of a participating school district or the
8 dissolution of the unified system, and (d) the liability for the
9 repayment pursuant to subsection (8) of section 79-1010 of any
10 incentive aid received by the unified system and its participating
11 school districts, which liability shall be subtracted from the
12 state aid of the participating school districts to which such
13 repayment is allocated for the school fiscal years following the
14 last school fiscal year of participation of a withdrawing school
15 district or the operation of the dissolved unified system. The
16 State Department of Education shall implement and enforce all terms
17 of any decree of declaratory judgment entered pursuant to this
18 section.

19 (6) After April 3, 2008, the State Committee for the
20 Reorganization of School Districts shall not approve or order into
21 effect any new unified system under this section. The committee
22 may approve and order into effect the addition of school districts
23 to a unified system or the continuation of a unified system if
24 the continuing unified system will consist of at least two school
25 districts which are continuing participation in the unified system.

26 Sec. 5. The State Board of Education shall enter into
27 memoranda of understanding on or before September 1, 2010, with

1 the Board of Regents of the University of Nebraska, the Board of
2 Trustees of the Nebraska State Colleges, and the board of governors
3 of each community college area to adopt a policy to share student
4 data. At a minimum, the policy shall ensure that the exchange of
5 information is conducted in conformance with the requirements of
6 the federal Family Educational Rights and Privacy Act of 1974,
7 as amended, 20 U.S.C. 1232g, and all federal regulations and
8 applicable guidelines adopted in accordance with such act, as such
9 act, regulations, and guidelines existed on January 1, 2010.

10 Sec. 16. Section 79-1022, Revised Statutes Supplement,
11 2009, is amended to read:

12 79-1022 (1) On ~~or before June 1, 2009,~~ ~~or~~ or before March
13 ~~1, 10, 2010,~~ on or before April 1, 2011, and on or before ~~February~~
14 March 1 of each year thereafter, the department shall determine the
15 amounts to be distributed to each local system and each district
16 pursuant to the Tax Equity and Educational Opportunities Support
17 Act and shall certify the amounts to the Director of Administrative
18 Services, the Auditor of Public Accounts, each learning community,
19 and each district. The amount to be distributed to each district
20 that is not a member of a learning community from the amount
21 certified for a local system shall be proportional based on: (a)
22 For school fiscal years prior to school fiscal year 2008-09, the
23 weighted formula students attributed to each district in the local
24 system; and (b) for school fiscal year 2008-09 and each school
25 fiscal year thereafter, the formula students attributed to each
26 district in the local system. The amount to be distributed to each
27 district that is a member of a learning community from the amount

1 certified for the local system shall be proportional based on the
2 formula needs calculated for each district in the local system.
3 On ~~or before June 1, 2009,~~ ~~or~~ or before March ~~1,~~ 10, 2010, on
4 or before April 1, 2011, and on or before ~~February~~ March 1 of
5 each year thereafter, the department shall report the necessary
6 funding level to the Governor, the Appropriations Committee of
7 the Legislature, and the Education Committee of the Legislature.
8 Certified state aid amounts, including adjustments pursuant to
9 section 79-1065.02, shall be shown as budgeted non-property-tax
10 receipts and deducted prior to calculating the property tax request
11 in the district's general fund budget statement as provided to the
12 Auditor of Public Accounts pursuant to section 79-1024.

13 (2) Except as provided in subsection (8) of section
14 79-1016 and sections 79-1033 and 79-1065.02, the amounts certified
15 pursuant to subsection (1) of this section shall be distributed in
16 ten as nearly as possible equal payments on the last business day
17 of each month beginning in September of each ensuing school fiscal
18 year and ending in June of the following year, except that when a
19 school district is to receive a monthly payment of less than one
20 thousand dollars, such payment shall be one lump-sum payment on
21 the last business day of December during the ensuing school fiscal
22 year.

23 Sec. 17. Section 79-1023, Revised Statutes Supplement,
24 2009, as amended by section 11, Legislative Bill 5, One Hundred
25 First Legislature, First Special Session, 2009, is amended to read:

26 79-1023 (1) On ~~or before June 1, 2009,~~ ~~or~~ or before March
27 ~~1,~~ 10, 2010, on or before April 1, 2011, and on or before ~~February~~

1 March 1 of each year thereafter, the department shall determine and
2 certify to each school district the maximum general fund budget of
3 expenditures minus the special education budget of expenditures for
4 the immediately following school fiscal year.

5 (2) Except as provided in section 79-1028.01, no
6 school district shall have a general fund budget of expenditures
7 minus special grant funds and the special education budget of
8 expenditures more than the greater of (a) the product of the
9 difference of the general fund budget of expenditures minus special
10 grant funds and the special education budget of expenditures
11 for the immediately preceding school fiscal year multiplied by
12 (i) except as otherwise provided in subdivision (a)(ii) of this
13 subsection, the sum of one plus the local system's applicable
14 allowable growth rate or (ii) for school fiscal year 2010-11, the
15 sum of one plus seventy-five hundredths of one percent plus the
16 local system's applicable allowable growth rate or (b)(i) except as
17 otherwise provided in subdivision (b)(ii) of this subsection, the
18 difference of one hundred twenty percent of formula need for such
19 school fiscal year minus the product of the sum of one plus the
20 basic allowable growth rate for such school fiscal year multiplied
21 by the special education budget of expenditures as filed on the
22 school district budget statement on or before September 20 for
23 the immediately preceding school fiscal year or (ii) for school
24 fiscal years 2009-10 and 2010-11, the difference of one hundred
25 sixteen and fifteen-hundredths percent of formula need for such
26 school fiscal year minus the product of the sum of one plus the
27 basic allowable growth rate for such school fiscal year multiplied

1 by the special education budget of expenditures as filed on the
2 school district budget statement on or before September 20 for the
3 immediately preceding school fiscal year.

4 Sec. 18. Section 79-1026.01, Revised Statutes Supplement,
5 2009, is amended to read:

6 79-1026.01 For school fiscal year 2008-09 and each school
7 fiscal year thereafter, ~~on or before June 1, 2009,~~ on or before
8 March 1, 2010, on or before April 1, 2011, and on or before
9 ~~February~~ March 1 of each year thereafter, the department shall
10 determine and certify to each Class II, III, IV, or V district an
11 applicable allowable growth rate carried out at least four decimal
12 places as follows:

13 (1) The department shall establish a target budget level
14 range of general fund operating expenditure levels for each school
15 fiscal year for each school district which shall begin at twenty
16 percent less than the school district's formula need and end at the
17 school district's formula need. The beginning point of the range
18 shall be assigned a number equal to the maximum allowable growth
19 rate established in section 79-1025, and the end point of the range
20 shall be assigned a number equal to the basic allowable growth rate
21 as prescribed in such section such that the lower end of the range
22 shall be assigned the maximum allowable growth rate and the higher
23 end of the range shall be assigned the basic allowable growth rate;
24 and

25 (2) For each school fiscal year, each school district's
26 general fund operating expenditures shall be compared to its target
27 budget level along the range described in subdivision (1) of

1 this section to arrive at an applicable allowable growth rate
2 as follows: If each school district's general fund operating
3 expenditures fall below the lower end of the range, such applicable
4 allowable growth rate shall be the maximum growth rate identified
5 in section 79-1025. If each school district's general fund
6 operating expenditures are greater than the higher end of the
7 range, the school district's allowable growth rate shall be the
8 basic allowable growth rate identified in such section. If each
9 school district's general fund operating expenditures fall between
10 the lower end and the higher end of the range, the department shall
11 use a linear interpolation calculation between the end points of
12 the range to arrive at the applicable allowable growth rate for the
13 school district.

14 Sec. 19. Section 79-1027, Revised Statutes Supplement,
15 2009, is amended to read:

16 79-1027 No district shall adopt a budget, which includes
17 total requirements of depreciation funds, necessary employee
18 benefit fund cash reserves, and necessary general fund cash
19 reserves, exceeding the applicable allowable reserve percentages
20 of total general fund budget of expenditures as specified in the
21 schedule set forth in this section.

22	Average daily	Allowable
23	membership of	reserve
24	district	percentage
25	0 - 471	45
26	471.01 - 3,044	35
27	3,044.01 - 10,000	25

1 79-1103 (1)(a) The State Department of Education shall
2 establish and administer the Early Childhood Education Grant
3 Program. Upon the effective date of an endowment agreement,
4 administration of the Early Childhood Education Grant Program
5 with respect to programs for children from birth to age three
6 shall transfer to the board of trustees. If there is no endowment
7 agreement in effect, the department shall request proposals in
8 accordance with this section for all early childhood education
9 programs from school districts, individually or in cooperation
10 with other school districts or educational service units, working
11 in cooperation with existing nonpublic programs which meet the
12 requirements of subsection (2) of section 79-1104. If there is
13 an endowment agreement in effect, the board of trustees shall
14 administer the Early Childhood Education Grant Program with respect
15 to programs for children from birth to age three pursuant to
16 section 79-1104.02 and the department shall continue to administer
17 the Early Childhood Education Grant Program with respect to
18 other prekindergarten programs pursuant to sections 79-1101 to
19 79-1104.05. All administrative procedures of the board of trustees,
20 including, but not limited to, rules, grant applications, and
21 funding mechanisms, shall harmonize with those established by the
22 department for other prekindergarten programs.

23 (b) The first priority shall be for (i) continuation
24 grants for programs that received grants in the prior school
25 fiscal year and for which the state aid calculation pursuant to
26 the Tax Equity and Educational Opportunities Support Act does not
27 include early childhood education students, in an amount equal

1 to the amount of such grant, except that if the grant was a
2 first-year grant the amount shall be reduced by thirty-three
3 percent, (ii) continuation grants for programs for which the
4 state aid calculation pursuant to the act includes early childhood
5 education students, in an amount equal to the amount of the grant
6 for the school fiscal year prior to the first school fiscal year
7 for which early childhood education students were included in the
8 state aid calculation for the school district's local system minus
9 the calculated state aid amount, and (iii) for school fiscal year
10 2007-08, continuation grants for programs for which the state aid
11 calculation pursuant to the act includes early childhood education
12 students, but such state aid calculation does not result in the
13 school district receiving any equalization aid, in an amount equal
14 to the amount of the grant received in school fiscal year 2006-07.
15 The calculated state aid amount shall be calculated by multiplying
16 the basic funding per formula student for the school district by
17 the formula students attributed to the early childhood education
18 programs pursuant to the Tax Equity and Educational Opportunities
19 Support Act.

20 (c) The second priority shall be for new grants and
21 expansion grants for programs that will serve at-risk children who
22 will be eligible to attend kindergarten the following school year.
23 New grants may be given for up to three years in an amount up to
24 one-half of the total budget of the program per year. Expansion
25 grants may be given for one year in an amount up to one-half
26 of the budget for expanding the capacity of the program to serve
27 additional children.

1 (d) The third priority shall be for new grants, expansion
2 grants, and continuation grants for programs serving children
3 younger than those who will be eligible to attend kindergarten
4 the following school year. New grants may be given for up to
5 three years in an amount up to one-half the total budget of the
6 program per year. Expansion grants may be given for one year in
7 an amount up to one-half the budget for expanding the capacity of
8 the program to serve additional children. Continuation grants under
9 this priority may be given annually in an amount up to one-half the
10 total budget of the program per year minus any continuation grants
11 received under the first priority.

12 (e) Programs serving children who will be eligible to
13 attend kindergarten the following school year shall be accounted
14 for separately for grant purposes from programs serving younger
15 children, but the two types of programs may be combined within the
16 same classroom to serve multi-age children. Programs that receive
17 grants for school fiscal years prior to school fiscal year 2005-06
18 to serve both children who will be eligible to attend kindergarten
19 the following school year and younger children shall account for
20 the two types of programs separately for grant purposes beginning
21 with school year 2005-06 and shall be deemed to have received
22 grants prior to school fiscal year 2005-06 for each year that
23 grants were received for the types of programs representing the age
24 groups of the children served.

25 (2) Each program proposal which is approved by the
26 department shall include (a) a planning period, (b) an agreement
27 to participate in periodic evaluations of the program to be

1 specified by the department, (c) evidence that the program will
2 be coordinated or contracted with existing programs, including
3 those listed in subdivision (d) of this subsection and nonpublic
4 programs which meet the requirements of subsection (2) of section
5 79-1104, (d) a plan to coordinate and use a combination of
6 local, state, and federal funding sources, including, but not
7 limited to, programs for children with disabilities below five
8 years of age funded through the Special Education Act, the Early
9 Intervention Act, funds available through the flexible funding
10 provisions under the Special Education Act, the federal Head
11 Start program, 42 U.S.C. 9831 et seq., the federal Even Start
12 Family Literacy Program, 20 U.S.C. 6361 et seq., Title I of
13 the federal Improving America's Schools Act of 1994, 20 U.S.C.
14 6301 et seq., and child care assistance through the Department
15 of Health and Human Services, (e) a plan to use sliding fee
16 scales and the funding sources included in subdivision (d) of
17 this subsection to maximize the participation of economically and
18 categorically diverse groups and to ensure that participating
19 children and families have access to comprehensive services, (f)
20 the establishment of an advisory body which includes families
21 and community members, (g) the utilization of appropriately
22 qualified staff, (h) an appropriate child-to-staff ratio, (i)
23 appropriate group size, (j) compliance with minimum health and
24 safety standards, (k) appropriate facility size and equipment,
25 (l) a strong family development and support component recognizing
26 the central role of parents in their children's development, (m)
27 developmentally and culturally appropriate curriculum, practices,

1 and assessment, (n) sensitivity to the economic and logistical
2 needs and circumstances of families in the provision of services,
3 (o) integration of children of diverse social and economic
4 characteristics, (p) a sound evaluation component, including at
5 least one objective measure of child performance and progress, (q)
6 continuity with programs in kindergarten and elementary grades,
7 (r) instructional hours that are similar to or less than the
8 instructional hours for kindergarten, (s) well-defined language
9 development and early literacy emphasis, including the involvement
10 of parents in family literacy activities, (t) a plan for ongoing
11 professional development of staff, and (u) inclusion of children
12 with disabilities as defined in the Special Education Act, all as
13 specified by rules and regulations of the department in accordance
14 with sound early childhood educational practice.

15 (3) The department shall make an effort to fund programs
16 widely distributed across the state in both rural and urban areas.

17 (4) A report evaluating the programs shall be made to the
18 State Board of Education and the Legislature by January 1 of each
19 odd-numbered year. Up to five percent of the total appropriation
20 for the Early Childhood Education Grant Program may be reserved
21 by the department for evaluation and technical assistance for the
22 programs.

23 (5) ~~Programs~~ Early childhood education programs, whether
24 established pursuant to this section or section 79-1104, may
25 be approved for purposes of the Tax Equity and Educational
26 Opportunities Support Act, expansion grants, and continuation
27 grants on the submission of a continuation plan demonstrating that

1 the program will ~~continue to~~ meet the requirements of subsection
2 (2) of this section and a proposed operating budget demonstrating
3 that the program will ~~continue to~~ receive resources from other
4 sources equal to or greater than the sum of any grant received
5 pursuant to this section for the prior school year plus any
6 calculated state aid as calculated pursuant to subsection (1) of
7 this section for the prior school year.

8 (6) The State Board of Education may adopt and promulgate
9 rules and regulations to implement the Early Childhood Education
10 Grant Program, except that if there is an endowment agreement
11 in effect, the board of trustees shall recommend any rules and
12 regulations relating specifically to the Early Childhood Education
13 Grant Program with respect to programs for children from birth to
14 age three. It is the intent of the Legislature that the rules and
15 regulations for programs for children from birth to age three be
16 consistent to the greatest extent possible with those established
17 for other prekindergarten programs.

18 Sec. 23. Section 79-1233, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-1233 Each educational service unit shall provide
21 access for all school districts within the geographical area
22 served by the unit to telecomputing resources, which shall include
23 the capacity to receive and transmit distance education courses
24 on at least a regional basis beginning on or before August 1,
25 2007, through the installation of necessary equipment at each
26 educational service unit location or through interlocal agreements
27 with other educational service units and shall provide support for

1 training users to meet their specific telecomputing and distance
2 education needs. School districts may annually elect prior to a
3 date determined by the educational service unit not to connect to
4 such telecomputing resources. Each educational service unit shall
5 also develop, with the State Department of Education, a plan which
6 provides for connecting the telecomputing and distance education
7 equipment of such school districts with the telecomputing and
8 distance education equipment of the unit.

9 ~~The leasing or purchase of and planning for telecomputing~~
10 ~~or distance education equipment and software for the educational~~
11 ~~service units shall meet the minimum standards as set by the~~
12 ~~Nebraska Information Technology Commission. The Chief Information~~
13 ~~Officer shall bid for such equipment and software and shall allow~~
14 ~~educational entities to participate in such statewide leasing or~~
15 ~~purchasing contracts.~~ Educational service units may enter into
16 agreements pursuant to the Interlocal Cooperation Act and the
17 Joint Public Agency Act to carry out this section. Such agreements
18 may include, but need not be limited to, provisions requiring
19 any school district having telecomputing or distance education
20 equipment connected to the educational service unit's telecomputing
21 or distance education equipment to pay periodic fees necessary to
22 cover the cost of such usage.

23 Sec. 24. Section 79-1241.01, Revised Statutes Supplement,
24 2009, is amended to read:

25 79-1241.01 To carry out ~~sections 79-1241.03 and 79-1243,~~
26 section 79-1241.03, it is the intent of the Legislature to
27 appropriate for each fiscal year the amount appropriated in

1 the prior year increased by the percentage growth in the fall
2 membership of member districts plus the basic allowable growth
3 rate described in section 79-1025. For purposes of this section,
4 fall membership has the same meaning as in section 79-1003. Fall
5 membership data used to compute growth shall be from the two most
6 recently available fall membership reports.

7 Sec. 25. Section 79-1241.03, Revised Statutes Supplement,
8 2009, is amended to read:

9 79-1241.03 ~~For school fiscal year 2008-09 and each school~~
10 ~~fiscal year thereafter.~~

11 (1) ~~One~~ Two percent of the funds appropriated for core
12 services and technology infrastructure shall be transferred to
13 the Educational Service Unit Coordinating Council. The remainder
14 of such funds shall be distributed pursuant to ~~subdivisions~~
15 subsections (2) through (6) of this section. ~~+~~

16 (2)(a) The distance education and telecommunications
17 allowance for each educational service unit shall equal eighty-five
18 percent of the difference of the costs for telecommunications
19 services, for access to data transmission networks that transmit
20 data to and from the educational service unit, and for the
21 transmission of data on such networks paid by the educational
22 service unit as reported on the annual financial report for the
23 most recently available complete data year minus the receipts from
24 the federal Universal Service Fund pursuant to 47 U.S.C. 254,
25 as such section existed on January 1, 2007, for the educational
26 service unit as reported on the annual financial report for the
27 most recently available complete data year and minus any receipts

1 from school districts or other educational entities for payment
2 of such costs as reported on the annual financial report of the
3 educational service unit;

4 (b) The base allocation of each educational service unit
5 shall equal two and one-half percent of the funds appropriated for
6 distribution pursuant to this section;

7 (c) The satellite office allocation for each educational
8 service unit shall equal one percent of the funds appropriated
9 for distribution pursuant to this section for each office of
10 the educational service unit, except the educational service unit
11 headquarters, up to the maximum number of satellite offices. The
12 maximum number of satellite offices used for the calculation of
13 the satellite office allocation for any educational service unit
14 shall equal the difference of the ratio of the number of square
15 miles within the boundaries of the educational service unit divided
16 by four thousand minus one with the result rounded to the closest
17 whole number;

18 (d) The statewide adjusted valuation shall equal the
19 total adjusted valuation for all member districts of educational
20 service units pursuant to section 79-1016 used for the calculation
21 of state aid for school districts pursuant to the Tax Equity and
22 Educational Opportunities Support Act for the school fiscal year
23 for which the distribution is being calculated pursuant to this
24 section;

25 (e) The adjusted valuation for each educational service
26 unit shall equal the total adjusted valuation of the member school
27 districts pursuant to section 79-1016 used for the calculation of

1 state aid for school districts pursuant to the act for the school
2 fiscal year for which the distribution is being calculated pursuant
3 to this section, except that such adjusted valuation for member
4 school districts that are also member districts of a learning
5 community shall be reduced by fifty percent. The adjusted valuation
6 for each learning community shall equal fifty percent of the total
7 adjusted valuation of the member school districts pursuant to
8 section 79-1016 used for the calculation of state aid for school
9 districts pursuant to the act for the school fiscal year for which
10 the distribution is being calculated pursuant to this section;

11 (f) The local effort rate shall equal \$0.0135 per one
12 hundred dollars of adjusted valuation;

13 (g) ~~Except as provided in subdivision (5) of this~~
14 ~~section, the~~ The statewide student allocation shall equal the
15 difference of the sum of the amount appropriated for distribution
16 pursuant to this section plus the product of the statewide adjusted
17 valuation multiplied by the local effort rate minus the distance
18 education and telecommunications allowance, base allocation, and
19 satellite office allocation for all educational service units and
20 minus any adjustments required by subsection (5) of this section;

21 (h) The sparsity adjustment for each educational service
22 unit and learning community shall equal the sum of one plus
23 one-tenth of the ratio of the square miles within the boundaries
24 of the educational service unit divided by the fall membership of
25 the member school districts for the school fiscal year immediately
26 preceding the school fiscal year for which the distribution is
27 being calculated pursuant to this section;

1 (i) The adjusted students for each educational service
2 unit shall equal the fall membership for the school fiscal year
3 immediately preceding the school fiscal year for which aid is being
4 calculated of the member school districts that will not be members
5 of a learning community and fifty percent of the fall membership
6 for such school fiscal year of the member school districts that
7 will be members of a learning community pursuant to this section
8 multiplied by the sparsity adjustment for the educational service
9 unit, and the adjusted students for each learning community shall
10 equal fifty percent of the fall membership for such school fiscal
11 year of the member school districts multiplied by the sparsity
12 adjustment for the learning community;

13 (j) The per student allocation shall equal the statewide
14 student allocation divided by the total adjusted students for all
15 educational service units and learning communities;

16 (k) The student allocation for each educational service
17 unit and learning community shall equal the per student allocation
18 multiplied by the adjusted students for the educational service
19 unit or learning community;

20 (l) The needs for each educational service unit shall
21 equal the sum of the distance education and telecommunications
22 allowance, base allocation, satellite office allocation, and
23 student allocation for the educational service unit and the needs
24 for each learning community shall equal the student allocation for
25 the learning community; and

26 (m) The distribution of core services and technology
27 infrastructure funds for each educational service unit and learning

1 community shall equal the needs for each educational service unit
2 or learning community minus the product of the adjusted valuation
3 for the educational service unit or learning community multiplied
4 by the local effort rate.

5 (3) If an educational service unit is the result of
6 a merger or received new member school districts from another
7 educational service unit, ~~such~~ the educational service unit shall
8 be considered a new educational service unit for purposes of this
9 section. For each new educational service unit, the needs minus
10 the distance education and telecommunications allowance for such
11 new educational service unit shall, for each of the three fiscal
12 years following the fiscal year in which the merger takes place or
13 the new member school districts are received, receive core services
14 and technology infrastructure funds pursuant to subdivisions (2)
15 through (6) of this section in equal an amount not less than
16 the core services and technology infrastructure funds received
17 in needs minus the distance education and telecommunications
18 allowance for the portions of the educational service units
19 transferred to the new educational service unit for the fiscal
20 year immediately preceding the merger or receipt of new member
21 school districts, except that if the total amount available to be
22 distributed pursuant to subdivisions subsections (2) through (6)
23 of this section for such year the year for which needs are being
24 calculated is less than the total amount distributed pursuant
25 to such subdivisions or section 79-1243 for the immediately
26 preceding fiscal year, the minimum core services and technology
27 infrastructure funds subsections for the fiscal year immediately

1 preceding the merger or receipt of new member school districts,
2 the minimum needs for each educational service unit pursuant to
3 this ~~subdivision~~ subsection shall be reduced by a percentage equal
4 to the ratio of the difference of the total amount distributed
5 pursuant to subdivisions ~~(2)~~ through ~~(6)~~ of this section or section
6 ~~79-1243~~ for the immediately preceding fiscal year minus the total
7 amount available to be distributed pursuant to subdivisions ~~(2)~~
8 through ~~(6)~~ of this section for the fiscal year in question
9 such difference divided by the total amount distributed pursuant
10 to subdivisions subsections (2) through (6) of this section or
11 section ~~79-1243~~ for the immediately preceding fiscal year. The core
12 services and technology infrastructure funds received in for the
13 fiscal year immediately preceding the merger or receipt of new
14 member school districts. The needs minus the distance education
15 and telecommunications allowance for the portions of educational
16 service units transferred to the new educational service unit
17 for the fiscal year immediately preceding a merger or receipt
18 of new member school districts ~~for~~ an educational service unit
19 shall equal the amount received in needs minus the distance
20 education and telecommunications allowance calculated for such
21 fiscal year pursuant to subdivisions subsections (2) through (6)
22 of this section or section ~~79-1243~~ by for any educational service
23 unit affected by the merger or the transfer of school districts
24 multiplied by a ratio equal to the valuation that was transferred
25 to ~~or retained by~~ the new educational service unit for which the
26 minimum is being calculated divided by the total valuation of the
27 educational service unit transferring ~~or retaining~~ the territory.†

1 (4) For fiscal years ~~2008-09~~ 2010-11 through 2013-14,
2 each educational service unit which will not have any member
3 school districts that are members of a learning community shall
4 ~~receive core services and technology infrastructure funds under~~
5 ~~this section in an amount not less than ninety-five percent of~~
6 ~~the total of the core services and technology infrastructure funds~~
7 ~~that the educational service unit received in the immediately~~
8 ~~preceding fiscal year either pursuant to subdivisions (2) through~~
9 ~~(6) of this section or pursuant to section 79-1243, have needs~~
10 ~~minus the distance education and telecommunications allowance~~
11 ~~equal to an amount not less than ninety-five percent of the~~
12 ~~needs minus the distance education and telecommunications allowance~~
13 ~~for the immediately preceding fiscal year, except that if the~~
14 ~~total amount available to be distributed pursuant to subdivisions~~
15 ~~subsections (2) through (6) of this section for such year the~~
16 ~~year for which needs are being calculated is less than the~~
17 ~~total amount distributed pursuant to such subdivisions or section~~
18 ~~79-1243 subsections for the immediately preceding fiscal year,~~
19 the minimum core services and technology infrastructure funds
20 for each educational service unit pursuant to this subdivision
21 subsection shall be reduced by a percentage equal to the ratio
22 of the difference of the total amount distributed pursuant to
23 subdivisions (2) through (6) of this section or section 79-1243
24 for the immediately preceding fiscal year minus the total amount
25 available to be distributed pursuant to subdivisions (2) through
26 (6) of this section for the fiscal year in question such difference
27 divided by the total amount distributed pursuant to subdivisions

1 subsections (2) through (6) of this section ~~or section 79-1243~~ for
2 the immediately preceding fiscal year.~~†~~

3 (5) If the minimum ~~core services and technology~~
4 infrastructure funds pursuant to subdivision needs minus the
5 distance education and telecommunications allowance pursuant to
6 subsection (3) or (4) of this section for any educational service
7 unit ~~exceed~~ exceeds the amount that would otherwise be ~~distributed~~
8 ~~to~~ calculated for such educational service unit pursuant to
9 ~~subdivision~~ subsection (2) of this section, the statewide student
10 allocation shall be reduced such that the total amount to be
11 distributed pursuant to this section equals the appropriation
12 for core services and technology infrastructure funds and no
13 educational service unit ~~receives~~ has needs minus the distance
14 education and telecommunications allowance less than the greater of
15 any minimum amounts calculated for such educational service unit
16 pursuant to ~~subdivisions~~ subsections (3) and (4) of this section.~~†~~
17 and

18 (6) The State Department of Education shall certify the
19 distribution of core services and technology infrastructure funds
20 pursuant to ~~subdivisions~~ subsections (2) through (6) of this
21 section to each educational service unit and learning community
22 on or before July 1, 2008, ~~for school fiscal year 2008-09 and~~
23 ~~on or before July 1 of each year thereafter~~ of each year for
24 the following school fiscal year. Any funds appropriated for
25 distribution pursuant to this section shall be distributed in
26 ten as nearly as possible equal payments on the first business
27 day of each month beginning in September of each school fiscal

1 year and ending in June. Funds distributed to educational service
2 units pursuant to this section shall be used for core services
3 and technology infrastructure with the approval of representatives
4 of two-thirds of the member school districts of the educational
5 service unit, representing a majority of the adjusted students in
6 the member school districts used in calculations pursuant to this
7 section for such funds. Funds distributed to learning communities
8 shall be used for learning community purposes pursuant to sections
9 ~~79-2104 and 79-2115~~, 79-2101 to 79-2120, with the approval of the
10 learning community coordinating council.

11 For purposes of this section, the determination of
12 whether or not a school district will be a member of an educational
13 service unit or a learning community shall be based on the
14 information available May 1 for the following school fiscal year.

15 Sec. 26. Section 79-1245, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 79-1245 The Educational Service Unit Coordinating Council
18 is created as of July 1, 2008. On such date the assets and
19 liabilities of the Distance Education Council shall be transferred
20 to the Educational Service Unit Coordinating Council. The council
21 shall be composed of one administrator from each educational
22 service unit. The council shall be funded from ~~one~~ two percent
23 of the core services and technology infrastructure funding
24 appropriated pursuant to section 79-1241.03, appropriations by
25 the Legislature for distance education, and fees established for
26 services provided to educational entities.

27 The council is a political subdivision and a public

1 body corporate and politic of this state, exercising public powers
2 separate from the participating educational service units. The
3 council shall have the duties, privileges, immunities, rights,
4 liabilities, and disabilities of a political subdivision and a
5 public body corporate and politic but shall not have taxing
6 power. The council shall have power (1) to sue and be sued,
7 (2) to have a seal and alter the same at will or to dispense
8 with the necessity thereof, (3) to make and execute contracts
9 and other instruments, (4) to receive, hold, and use money and
10 real and personal property, (5) to hire and compensate employees,
11 including certificated employees, (6) to act as a fiscal agent for
12 statewide initiatives being implemented by employees of one or more
13 educational service units, and (6) from time to time, to make,
14 amend, and repeal bylaws, rules, and regulations not inconsistent
15 with sections 79-1245 to 79-1249. Such power shall only be used as
16 necessary or convenient to carry out and effectuate the powers and
17 purposes of the council.

18 Sec. 27. Section 79-1247, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-1247 The Educational Service Unit Coordinating Council
21 shall appoint a distance education director and may appoint a
22 council director, both of whom shall hold office at the pleasure of
23 the council. ~~7~~ ~~except that the person serving as the administrator~~
24 ~~of the Distance Education Council immediately preceding July 1,~~
25 ~~2008,~~ shall be the initial distance education director under
26 ~~this section.~~ The council director and the distance education
27 director shall receive such salaries as the council determines

1 and shall be reimbursed for their actual expenses incurred in
2 the performance of their duties. The council may contract with
3 individual educational service units for the employment of the
4 council director or the distance education director, except that
5 the supervisory responsibilities for such employees shall remain
6 with the council. as provided in sections 81-1174 to 81-1177.

7 The council director and the distance education director
8 shall perform duties as the council directs and shall not be
9 members of the council. The council may also appoint or retain
10 such other persons as it may deem necessary for the performance
11 of its functions and shall prescribe their duties, fix their
12 compensation, and provide for reimbursement of their actual and
13 necessary expenses as provided in sections 81-1174 to 81-1177
14 within the amounts available in the budget of the council.

15 Sec. 28. Section 79-1248, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 79-1248 The powers and duties of the Educational Service
18 Unit Coordinating Council include, but are not limited to:

19 (1) Providing public access to lists of qualified
20 distance education courses;

21 (2) Collecting and providing school schedules for
22 participating educational entities;

23 (3) Facilitation of scheduling for qualified distance
24 education courses;

25 (4) Brokering of qualified distance education courses to
26 be purchased by educational entities;

27 (5) Assessment of distance education needs and evaluation

1 of distance education services;

2 (6) Compliance with technical standards as set forth
3 by the Nebraska Information Technology Commission and academic
4 standards as set forth by the State Department of Education related
5 to distance education;

6 (7) Establishment of a system for prioritizing courses if
7 the demand for Network Nebraska exceeds the capacity available for
8 distance education and for choosing receiving educational entities
9 when the demand for a course exceeds the capacity as determined by
10 either the technology available or the course provider;

11 (8) Scheduling and prioritization for access to Network
12 Nebraska by educational entities in cooperation with the Chief
13 Information Officer and using scheduling software or scheduling
14 services; ~~which meet any applicable standards established by the~~
15 ~~commission;~~

16 (9) Administration of learning management systems, ~~that~~
17 ~~are in compliance with any applicable standards of the commission~~
18 either through the staff of the council or by delegation to an
19 appropriate educational entity, ~~with the funding for such systems~~
20 provided by participating educational entities; and

21 (10) Coordination with educational service units and
22 postsecondary educational institutions to provide assistance for
23 instructional design for both two-way interactive video distance
24 education courses and the offering of graduate credit courses in
25 distance education.

26 Sec. 29. Section 79-1249, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 79-1249 The Educational Service Unit Coordinating Council
2 shall only provide assistance in brokering or scheduling courses
3 to educational entities that have access to Network Nebraska.
4 All costs to the council associated with assisting private,
5 denominational, or parochial schools and private postsecondary
6 educational institutions shall be paid by such private,
7 denominational, or parochial school or private postsecondary
8 educational institution. Any services of the council may also be
9 offered to other public entities with access to Network Nebraska
10 on a contractual basis. ~~The council shall not approve technology~~
11 ~~purchases for the council in excess of ten thousand dollars~~
12 ~~without approval of the technical panel of the Nebraska Information~~
13 ~~Technology Commission that the purchases are in compliance with any~~
14 ~~applicable commission standards.~~

15 Sec. 30. (1) For purposes of all duties, entitlements,
16 and rights established by law, including special education as
17 provided in section 79-1127 open enrollment students shall be
18 treated as resident students of the open enrollment school
19 district. In determining eligibility for extracurricular activities
20 as defined in section 79-2,126, the open enrollment student shall
21 be treated similarly to other students who transfer into the school
22 from another public, private, denominational, or parochial school.

23 (2) For open enrollment students verified as having a
24 disability as defined in section 79-1118.01, the transportation
25 services set forth in section 79-1129 shall be provided by
26 the open enrollment school district. The State Department of
27 Education shall reimburse each learning community school district

1 for special education programs provided to open enrollment students
2 in accordance with section 79-1142. The resident school district
3 of an open enrollment student shall be exempted from the payment
4 responsibility set forth in section 79-1140. For purposes of the
5 calculation to determine reimbursement pursuant to section 79-1142,
6 the open enrollment school district shall include the adjusted
7 average per pupil cost as defined in section 79-1114 of the open
8 enrollment school district.

9 (3) For purposes of the Tax Equity and Educational
10 Opportunities Support Act, open enrollment students shall not be
11 counted as formula students by the resident school district and
12 shall be counted by the open enrollment school district.

13 Sec. 31. The Board of Regents of the University of
14 Nebraska shall enter into a memorandum of understanding on or
15 before September 1, 2010, with the State Board of Education to
16 adopt a policy to share student data. At a minimum, the policy
17 shall ensure that the exchange of information is conducted in
18 conformance with the requirements of the federal Family Educational
19 Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g,
20 and all federal regulations and applicable guidelines adopted in
21 accordance with such act, as such act, regulations, and guidelines
22 existed on January 1, 2010.

23 Sec. 32. The Board of Trustees of the Nebraska State
24 Colleges shall enter into a memorandum of understanding on or
25 before September 1, 2010, with the State Board of Education to
26 adopt a policy to share student data. At a minimum, the policy
27 shall ensure that the exchange of information is conducted in

1 conformance with the requirements of the federal Family Educational
2 Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g,
3 and all federal regulations and applicable guidelines adopted in
4 accordance with such act, as such act, regulations, and guidelines
5 existed on January 1, 2010.

6 Sec. 33. Section 85-1511, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 85-1511 In addition to any other powers and duties
9 imposed upon the community college system or its areas, campuses,
10 or boards by the Community College Foundation and Equalization Aid
11 Act, sections 85-917 to 85-966 and 85-1501 to 85-1540, and any
12 other provision of law, each board shall:

13 (1) Have general supervision, control, and operation of
14 each community college within its jurisdiction;

15 (2) Subject to coordination by the Coordinating
16 Commission for Postsecondary Education as prescribed in the
17 Coordinating Commission for Postsecondary Education Act, develop
18 and offer programs of applied technology education, academic
19 transfer programs, academic support courses, and such other
20 programs and courses as the needs of the community college area
21 served may require. The board shall avoid unnecessary duplication
22 of existing programs and courses in meeting the needs of the
23 students and the community college area;

24 (3) Employ, for a period to be fixed by the board,
25 executive officers, members of the faculty, and such other
26 administrative officers and employees as may be necessary or
27 appropriate and fix their salaries and duties;

1 (4) Subject to coordination by the Coordinating
2 Commission for Postsecondary Education as prescribed in the
3 Coordinating Commission for Postsecondary Education Act, construct,
4 lease, purchase, purchase on contract, operate, equip, and maintain
5 facilities;

6 (5) Contract for services connected with the operation of
7 the community college area as needs and interest demand;

8 (6) Cause an examination and comprehensive audit of
9 the books, accounts, records, and affairs, including full-time
10 equivalent student enrollment totals, full-time equivalent totals,
11 and reimbursable educational unit totals as defined in section
12 85-1503, to be made annually covering the most recently completed
13 fiscal year. The audit of each area shall include the full-time
14 equivalent student enrollment totals, full-time equivalent totals,
15 and reimbursable educational unit totals for the three most
16 recently completed fiscal years which shall be used for calculation
17 of aid to the community college areas as prescribed in the
18 Community College Foundation and Equalization Aid Act. The audit
19 shall also include the county-certified property valuations for the
20 community college area for the three most recently completed fiscal
21 years which shall be used for calculation of aid to such community
22 college areas. Such examination and audit of the books, accounts,
23 records, and affairs shall be completed and filed with the Auditor
24 of Public Accounts and the Department of Administrative Services
25 on or before October 15 of each year. The examination and audit
26 of the full-time equivalent student enrollment totals, full-time
27 equivalent totals, and reimbursable educational unit totals shall

1 be completed and filed with the Auditor of Public Accounts and the
2 Department of Administrative Services on or before August 15 of
3 each year;

4 (7) Establish fees and charges for the facilities
5 authorized by sections 85-1501 to 85-1540. Each board may enter
6 into agreements with owners of facilities to be used for housing
7 regarding the management, operation, and government of such
8 facilities and may employ necessary employees to govern, manage,
9 and operate such facilities;

10 (8) Receive such gifts, grants, conveyances, and bequests
11 of real and personal property from public or private sources as
12 may be made from time to time, in trust or otherwise, whenever
13 the terms and conditions thereof will aid in carrying out the
14 community college programs as specified by law. Each board may
15 sell, lease, exchange, invest, or expend such gifts, grants,
16 conveyances, and bequests or the proceeds, rents, profits, and
17 income therefrom according to the terms and conditions thereof and
18 adopt and promulgate rules and regulations governing the receipt
19 and expenditure of such proceeds, rents, profits, and income,
20 except that acceptance of such gifts, grants, or conveyances shall
21 not be conditioned on matching state or local funds;

22 (9) Prescribe the courses of study for any community
23 college under its control and publish such catalogs and bulletins
24 as may be necessary;

25 (10) Grant to every student upon graduation or completion
26 of a course of study a suitable diploma, associate degree, or
27 certificate;

1 (11) Adopt and promulgate such rules and regulations
2 and perform all other acts as the board may deem necessary
3 or appropriate to the administration of the community college
4 area. Such rules and regulations shall include, but not be
5 limited to, rules and regulations relating to facilities, housing,
6 scholarships, discipline, and pedestrian and vehicular traffic on
7 property owned, operated, or maintained by the community college
8 area;

9 (12) Employ, for a period to be fixed by the board, an
10 executive officer for the community college area and, by written
11 order filed in its office, delegate to such executive officer
12 any of the powers and duties vested in or imposed upon it by
13 sections 85-1501 to 85-1540. Such delegated powers and duties may
14 be exercised in the name of the board;

15 (13) Acquire real property by eminent domain pursuant to
16 sections 76-701 to 76-724;

17 (14) Acquire real and personal property and sell, convey,
18 or lease such property whenever the community college area will
19 be benefited thereby. The sale, conveyance, or lease of any real
20 estate owned by a community college area shall be effective only
21 when authorized by an affirmative vote of at least two-thirds of
22 all the members of the board;

23 (15) Enter into agreements for services, facilities, or
24 equipment and for the presentation of courses for students when
25 such agreements are deemed to be in the best interests of the
26 education of the students involved;

27 (16) Transfer tribally controlled community college state

1 aid amounts to a tribally controlled community college located
2 within its community college area;

3 (17) Invest, after proper consideration of the
4 requirements for the availability of money, funds of the community
5 college in securities the nature of which individuals of prudence,
6 discretion, and intelligence acquire or retain in dealing with the
7 property of another;

8 (18) Establish tuition rates for courses of instruction
9 offered by each community college within its community college
10 area. Separate tuition rates shall be established for students who
11 are nonresidents of the State of Nebraska;

12 (19) Establish a fiscal year for the community college
13 area which conforms to the fiscal year of the state; and

14 (20) Enter into a memorandum of understanding with the
15 State Board of Education to adopt a policy to share student
16 data. At a minimum, the policy shall ensure that the exchange of
17 information is conducted in conformance with the requirements of
18 the federal Family Educational Rights and Privacy Act of 1974,
19 as amended, 20 U.S.C. 1232g, and all federal regulations and
20 applicable guidelines adopted in accordance with such act, as such
21 act, regulations, and guidelines existed on January 1, 2010; and

22 ~~(20)~~ (21) Exercise any other powers, duties, and
23 responsibilities necessary to carry out sections 85-1501 to
24 85-1540.

25 Sec. 34. Section 86-501, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 86-501 Sections 86-501 to 86-530 and section 38 of this

1 act shall be known and may be cited as the Information Technology
2 Infrastructure Act.

3 Sec. 35. Section 86-506, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 86-506 Enterprise project means an endeavor undertaken
6 by an enterprise over a fixed period of time using information
7 technology, which would have a significant effect on a core
8 business function or which affects multiple government programs,
9 agencies, or institutions. Enterprise project includes all aspects
10 of planning, design, implementation, project management, and
11 training relating to the endeavor.

12 Sec. 36. Section 86-516, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 86-516 The commission shall:

15 (1) Annually by July 1, adopt policies and procedures
16 used to develop, review, and annually update a statewide technology
17 plan;

18 (2) Create an information technology clearinghouse to
19 identify and share best practices and new developments, as well as
20 identify existing problems and deficiencies;

21 (3) Review and adopt policies to provide incentives for
22 investments in information technology infrastructure services;

23 (4) Determine a broad strategy and objectives for
24 developing and sustaining information technology development in
25 Nebraska, including long-range funding strategies, research and
26 development investment, support and maintenance requirements, and
27 system usage and assessment guidelines;

1 (5) Adopt guidelines regarding project planning and
2 management and administrative and technical review procedures
3 involving state-owned or state-supported technology and
4 infrastructure. Governmental entities, state agencies, and
5 noneducation political subdivisions shall submit all projects which
6 use any combination of general funds, federal funds, or cash funds
7 for information technology purposes to the process established
8 by sections 86-512 to 86-524. The commission may adopt policies
9 that establish the format and minimum requirements for project
10 submissions. The commission may monitor the progress of any such
11 project and may require progress reports;

12 (6) Adopt minimum technical standards, guidelines, and
13 architectures upon recommendation by the technical panel. Such
14 standards and guidelines shall not unnecessarily restrict the use
15 of new technologies or prevent commercial competition, including
16 competition with Network Nebraska;

17 (7) Establish ad hoc technical advisory groups to study
18 and make recommendations on specific topics, including workgroups
19 to establish, coordinate, and prioritize needs for education,
20 local communities, intergovernmental data communications, and state
21 agencies;

22 (8) By November 15 of each even-numbered year, make
23 recommendations on technology investments to the Governor and the
24 Legislature, including a prioritized list of projects, reviewed by
25 the technical panel pursuant to section 86-521;

26 (9) Approve grants from the Community Technology Fund and
27 Government Technology Collaboration Fund;

1 (10) Adopt schedules and procedures for reporting needs,
2 priorities, and recommended projects;

3 (11) Assist the Chief Information Officer in developing
4 and maintaining Network Nebraska pursuant to section 86-5,100; and

5 (12) Determine the format that state agencies, boards,
6 and commissions shall use to report their information technology
7 plans under section 86-524.01. The commission shall include an
8 analysis of such plans in the statewide technology plan.

9 Sec. 37. Section 86-520, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 86-520 The Chief Information Officer shall:

12 (1) Maintain, in cooperation with the Department of
13 Administrative Services, an inventory of noneducation state
14 government technology assets, including hardware, applications, and
15 data bases;

16 (2) Recommend policies and guidelines for acceptable and
17 cost-effective use of information technology in noneducation state
18 government;

19 (3) Advise the Governor and Legislature on policy issues
20 affecting noneducation state government related to information
21 technology;

22 (4) Coordinate efforts among other noneducation state
23 government technology agencies and coordinating bodies;

24 (5) Implement a strategic, tactical, and project planning
25 process for noneducation state government information technology
26 that is linked to the budget process;

27 (6) Assist the budget division of the Department

1 of Administrative Services and Legislative Fiscal Analyst in
2 evaluating technology-related budget requests;

3 (7) Work with each governmental department and
4 noneducation state agency to evaluate and act upon opportunities
5 to more efficiently and effectively deliver government services
6 through the use of information technology;

7 (8) Recommend to the Governor and Legislature methods for
8 improving the organization and management of data by noneducation
9 agencies to achieve the goals of making information sharable and
10 reusable, eliminating redundancy of data and programs, improving
11 the quality and usefulness of data, and improving access to data,
12 and implement such recommendations as the Governor or Legislature
13 may direct;

14 (9) Monitor the status of major noneducation state
15 government technology projects;

16 (10) Establish and maintain Network Nebraska pursuant to
17 section 86-5,100;

18 ~~(11) Bid for telecomputing and distance education~~
19 ~~equipment pursuant to section 79-1233;~~

20 ~~(12)~~ (11) Apply in aggregate for reimbursements from
21 the federal Universal Service Fund pursuant to section 254 of
22 the Telecommunications Act of 1996, 47 U.S.C. 254, as such
23 section existed on January 1, 2006, on behalf of school districts
24 requesting to be included in such aggregated application;

25 ~~(13)~~ (12) Administer such funds as may be appropriated to
26 the Chief Information Officer by the Legislature;

27 ~~(14)~~ (13) Monitor the status of information technology

1 projects that are enterprise projects;

2 ~~(15)~~ (14) Collect information from state agencies,
3 boards, and commissions as provided in section 86-524.01; and

4 ~~(16)~~ (15) Complete other tasks as assigned by the
5 Governor.

6 Sec. 38. Information technology purchases made with
7 state funds or local tax receipts by education-related political
8 subdivisions shall meet or exceed any applicable technical
9 standards established by the commission. The Chief Information
10 Officer may bid for such equipment and allow education-related
11 political subdivisions to participate in leasing or purchasing
12 contracts. An education-related political subdivision shall provide
13 notice in writing, if required by guidelines established by the
14 University of Nebraska and the Chief Information Officer for
15 participation in Network Nebraska, to the distance education
16 director of the Educational Service Unit Coordinating Council, the
17 University of Nebraska, and the Chief Information Officer prior to
18 the use of any new or additional equipment that will impact the use
19 of Network Nebraska by such education-related political subdivision
20 or other education-related political subdivisions.

21 Sec. 39. Section 86-5,100, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 86-5,100 The Chief Information Officer, in partnership
24 with the University of Nebraska, shall develop and maintain a
25 statewide, multipurpose, high capacity, scalable telecommunications
26 network to be called Network Nebraska. The network shall consist of
27 contractual arrangements with providers to meet the demand of state

1 agencies, local governments, and educational entities as defined in
2 section 79-1201.01. Such network shall provide access to a reliable
3 and affordable infrastructure capable of carrying a spectrum of
4 services and applications, including distance education, across
5 the state. The Chief Information Officer shall provide access to
6 each school district, each educational service unit, each community
7 college, each state college, and the University of Nebraska at the
8 earliest feasible date and no later than July 1, 2012. Access may
9 be provided through educational service units or other aggregation
10 points. Participation in Network Nebraska shall not be required
11 for any educational entity. The Chief Information Officer shall
12 aggregate demand for those state agencies and educational entities
13 choosing to participate and shall reduce costs for participants
14 whenever feasible. The Chief Information Officer shall establish
15 a cost structure based on actual costs, including necessary plus
16 administrative expenses but not including administrative travel or
17 conference expenses, and shall charge participants according to
18 such cost structure. The Chief Information Officer shall annually
19 provide a detailed report of such costs to each participant and to
20 the Legislative Fiscal Analyst.

21 Sec. 40. The Revisor of Statutes shall assign section 5
22 of this act within Chapter 79, article 7, shall assign section 30
23 of this act within Chapter 79, article 21, shall assign section 31
24 of this act within Chapter 85, article 1, and shall assign section
25 32 of this act within Chapter 85, article 3.

26 Sec. 41. Sections 5, 6, 7, 8, 16, 17, 18, 19, 21, 23, 24,
27 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42,

1 44, and 45 of this act become operative on their effective date.
2 The other sections of this act become operative three calendar
3 months after adjournment of this legislative session.

4 Sec. 42. Original sections 79-1233, 79-1245, 79-1247,
5 79-1248, 79-1249, 85-1511, 86-501, 86-506, 86-516, 86-520,
6 and 86-5,100, Reissue Revised Statutes of Nebraska, sections
7 79-8,137.01, 79-8,137.03, 79-8,137.04, 79-1022, 79-1026.01,
8 79-1027, 79-1031.01, 79-1241.01, and 79-1241.03, Revised Statutes
9 Supplement, 2009, and section 79-1023, Revised Statutes Supplement,
10 2009, as amended by section 11, Legislative Bill 5, One Hundred
11 First Legislature, First Special Session, 2009, are repealed.

12 Sec. 43. Original sections 79-201, 79-215, 79-4,108,
13 79-1003.01, 79-1007.04, 79-1007.05, 79-1013, 79-1030, and 79-1103,
14 Reissue Revised Statutes of Nebraska, sections 13-509 and 79-1014,
15 Revised Statutes Supplement, 2009, and sections 79-1003 and
16 79-1007.23, Revised Statutes Supplement, 2009, as amended by
17 sections 3 and 9, respectively, Legislative Bill 5, One Hundred
18 First Legislature, First Special Session, 2009, are repealed.

19 Sec. 44. The following sections are outright repealed:
20 Sections 79-1241.02, 79-1243, and 79-1331, Reissue Revised Statutes
21 of Nebraska.

22 2. On page 19, line 19, after "district" insert "and,
23 beginning with the calculation of state aid for school fiscal year
24 2011-12 and each school fiscal year thereafter, a unified system as
25 defined in section 79-4,108".

26 3. On page 29, lines 18 and 19; and page 30, lines 8 and
27 9, strike the new matter.

- 1 4. Renumber the remaining sections and correct internal
- 2 references accordingly.